

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawaii**

Acceptance Date: February 2, 2007
180-Day Exp. Date: October 30, 2007

October 12, 2007

**Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii**

REGARDING: Second Time Extension Request to Extend the Processing Period for an Additional 90-days for Conservation District Use Application (CDUA) HA-3405 to Develop a Sustainable Commercial Koa Timber Forestry Operation

APPLICANT: Kyle E. Dong, Agent for
David De Luz Jr.

LANDOWNER: Hawaii Forest Preservation LLC.

LOCATION: Makahanaloa, Papaikou and Paukaa, South Hilo , Island of Hawaii

TMKs: (3) 2-7-001:001
(3) 2-8-001:002

AREA OF PARCELS: 11,427 Acres

USE: 11,427 Acres

SUBZONE: Resource

BACKGROUND:

Three Conservation District Use Applications (CDUA): CDUA HA-3026; CDUA HA-3062, and CDUA HA-3066, have been submitted and withdrawn for the proposed land use. On February 2, 2007, the Department accepted CDUA HA-3045 and the draft Environmental Impact Statement (EIS) for processing. The draft EIS comment period ended on April 23, 2007. At that time, the OCCL noted major issues and concerns raised during the draft EIS review period. The OCCL requested that the applicant address the issues raised during the EIS review process, and resubmit an updated management plan.

TIME EXTENSION REQUEST:

On July 13, 2007, the Board of Land and Natural Resources (Board) approved the first time extension of the processing period for CDUA HA-3405 to October 30, 2007. At that time, Staff noted the requested extension of 90-days was not enough time to allow for analysis of the Final EIS, hold the required Public Hearing in Hilo, analyze the subject CDUA and required Management Plan in addition to preparing the Staff report for the Board's consideration.

Therefore, Staff expected a second time extension request from the applicant (**Exhibit 1**). Upon discussion with the applicant, Staff noted that the applicant was continuing to work on responses to comments received for the Draft EIS.

AUTHORITY FOR GRANTING TIME EXTENSIONS:

The authority for granting time extensions to the CDUA processing period is provided in Section 183C-6(b), HRS, which states that "When an environmental impact statement is required pursuant to Chapter 343 ... the one-hundred eighty-days may be extended an additional ninety days at the request of the applicant. Any request for additional extensions shall be subject to the approval of the board." The subject request is for a 90-day time extension.

DISCUSSION:

At this point, Staff believes that all interests are best served by extending the CDUA processing period to allow for the completion of the Final EIS, which will be useful in analyzing the CDUA and Management Plan to render a decision.

Staff, therefore, recommends as follows:

RECOMMENDATION:


That the Board of Land and Natural Resources approve the applicant's request and extend the processing period for CDUA HA-3405 an additional 90-days, to **January 28, 2008** to allow additional time to complete the CDUA/EIS process.

Respectfully submitted,



K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:

for 
Laura H. Thielen, Chairperson
Board of Land and Natural Resources

Extended

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OFFICE OF CONSERVATION
COASTAL LANDS

September 25, 2007

2007 SEP 24 A 8:04

State of Hawaii
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P.O. Box 621
Honolulu, Hawaii 96809

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

David De Luz Jr.
811 Kanoelehua Ave.
Hilo, Hawaii 96720

Kyle Dong
2051 Young Street
Honolulu, Hawaii 96826
808-358-1521

Re: Application for CDUP extension

To: Sam Lemmo and Dawn Hegger:

This letter is to request a 90 day extension for the Conservation District Use Permit that was submitted on January 2, 2007 for David De Luz Jr. for TMK: (3)-2-7-001:001 and (3)-2-8-001:002.

I thank you ahead of time for your cooperation in this matter.

Sincerely,

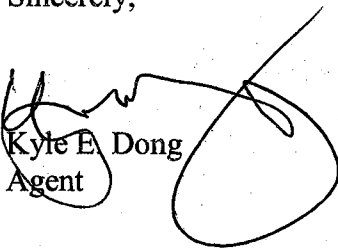

Kyle E. Dong
Agent

EXHIBIT 1